

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 26, 2001

DIVISION ONE

B141994	People v. Garcia	(Certified for Partial Publication)
B149050	In re Garcia on Habeas Corpus	

The true finding on the Penal Code section 12022.53 enhancement is reversed, and Garcia's sentence is vacated; in all other respects, the judgment is affirmed and the cause is remanded to the trial court for resentencing. The petition is denied.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B144441	Los Angeles County, D.C.F.S. v. Williams S. et al.	(Not for Publication)
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The order is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

April 26, 2001-Continued

DIVISION ONE (Continued)

B142721 People v. Neale (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

B139162 People (Not for Publication)
v.
Brice

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Mallano, J.

DIVISION TWO

B137855 Barbara Marvin (Not for Publication)
v.
Lewis B. Marvin

The order of the trial court denying Lewis' motion to set aside the judgment is affirmed.

Todd, J.

We concur: Boren, P.J.
 Nott, J.

DIVISION TWO (Continued)

[illegible]

The judgment is modified to strike the three-year enhancement imposed on count 2 pursuant to section 12022.7, subdivision (a). In all other respects, the judgment is affirmed.

Todd, J.

We concur: Nott, Acting P.J.
Cooper, J.

B139926 Frazier (Not for Publication)
v.
Listi et al.

The summary judgment is reversed and the trial court directed to enter an order granting summary adjudication only as the causes of action for intentional infliction of emotional distress and interference with business relations. Each party is to bear their own costs on appeal.

Todd, J.

We concur: Boren, P.J.
 Nott, J.

B142061 Schiff (Not for Publication)
v.
Jirucha

The judgment is affirmed.

Todd, J.

We concur: Nott, Acting P.J.
 Cooper, J.

April 26, 2001-Continued

DIVISION TWO (Continued)

[illegible]

The judgment is affirmed.

Todd, J.

We concur: Boren, P.J.
 Nott, J.

B136491 Newhall Land and Farming Company
v.
McCarthy Construction

Filed order certifying opinion for publication.

DIVISION THREE

[illegible]

The judgment is affirmed.

Fidler, J. (Assigned)

We concur: Klein, P.J.
Aldrich, J.

April 26, 2001-Continued

DIVISION THREE (Continued)

B138853 People (Not for Publication)
v.
Johnson

The judgment is affirmed.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B133445 People (Certified for Publication)
v.
Magana et al.

The order from which American has appealed is affirmed. Costs on appeal to the County.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

B124793 Three Wishes Productions, Inc. (Not for Publication)
v.
Ray Commack Shows, Inc.

The judgment is affirmed. Each party to bear their own costs.

Croskey, Acting P.J.

We concur: Kitching, J.
 Aldrich, J.

April 26, 2001-Continued

DIVISION THREE (Continued)

B133119 Jeff Greene (Not for Publication)

V.

Imagine Entertainment, et al.

The judgment is affirmed. Respondent(s) to recover costs.

Croskey, Acting P.J.

We concur: Kitching, J.

Aldrich, J.

B137247 Matter of Grace Ammon Trust (Not for Publication)

V.

Michael J. Shaffer

The judgment is reversed and the trial court is directed to vacate the judgment and issue a new and different judgment consistent with the views expressed herein. Costs on appeal to appellant.

Croskey, Acting P.J.

We concur: Aldrich, J.

Fidler, J. (Assigned)

DIVISION FOUR

B137197 Mosier (Not for Publication)

V.

Southern California Physicians Insurance Exchange

We affirm the order granting entry of judgment. The trial court is ordered to enter judgment in favor of SCPIE. SCPIE shall recover costs on appeal.

Hastings, J.

We concur: Epstein, Acting P.J.

Curry, J.

DIVISION FOUR (Continued)

B14422 In re Scott Michael Ereckson (Not for Publication)
 on Habeas Corpus

The order granting the petition for writ of habeas corpus is affirmed. The temporary stay is vacated, and appellant's petition for writ of supersedeas is denied.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

B142470 People (Not for Publication)
 v.
 Palacios

The trial court did not abuse its discretion in denying appellant's motion to set aside his plea. The judgment is affirmed.

Hastings, J.

We concur: Epstein, Acting P.J.
 Curry, J.

B144131 People (Not for Publication)
 v.
 Arnold

The order denying appellant's motion to seal and destroy the records of his arrest in this matter is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
 Curry, J.

April 26, 2001-Continued

DIVISION FIVE

B138748 Terry Herrera (Certified for Partial Publication)
v.
State of California Department of Real Estate

The judgment is affirmed. Respondent(s) to recover costs.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B142639 Arthur Gifford
v.
City of Los Angeles

Filed order certifying opinion for publication.

B138714 Ella S. Hirshfield et al.
v.
S. Andrew Schwartz et al.

Filed order vacating submission order of .February 6, 2001. When this case was submitted, it was argued before a three-justice panel which included Associate Ramona Godoy Perez. Associate Justice Godoy Perez will be unable to participate in the decision of this case. Her place will be taken by Associate Justice Pro Tem Thomas L. Willhite Jr., who is sitting by assignment of the Chairperson of the Judicial Council. The cause will be resubmitted at the conclusion of oral argument which is rescheduled for May 8, 2001, at 1 p.m.

DIVISION FIVE (Continued)

B133914 Genoveva Galvan
v.
Preco Industries, Inc.

Filed order vacating submission order of January 9, 2001. When this case was submitted, it was argued before a three-justice panel which included Associate Ramona Godoy Perez. Associate Justice Godoy Perez will be unable to participate in the decision of this case. Her place will be taken by Associate Justice Pro Tem Thomas L. Willhite Jr., who is sitting by assignment of the Chairperson of the Judicial Council. The cause will be resubmitted at the conclusion of oral argument which is rescheduled for May 8, 2001, at 1:00 p.m.

DIVISION SIX

B145298 People (Not for Publication)
v.
Reyes

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

[illegible]

The judgment is affirmed.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

April 26, 2001-Continued

DIVISION SIX (Continued)

B140141 People (Not for Publication)
v.
Emerterio

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Coffee, J.

B145636 Williams (Certified for Publication)
v.
Williams

The custody order is reversed. The matter is remanded for reconsideration in light of the new rule we have announced. Each party shall bear his or her own attorney fees and costs on appeal.

Yegan, J.

We concur: Gilbert, P.J.
Coffee, J.

B138835 The Environmental Coalition (Not For Publication)
of Ventura County
v.
Ventura Local Agency Formation Commission
Hidden Creek Ranch Partners, L.P., et al.

The judgment granting Environmental Coalition's petition for writ of mandate and the order of partial dismissal are affirmed. Costs to respondent and cross-appellant Environmental Coalition.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.